

<p>Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau</p>
<p>ENVIRONMENTAL ASSESSMENT For Routine Actions with Limited Environmental Impact</p>

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Rocking TS Cattle Co.
2372 Lower River Road
Winnett MT 59087**
2. Type of action **Application To Change An Existing Water Right No. 40C 30151067**
3. Water source name: **Musselshell River**
4. Location affected by project: **The project is located in Petroleum and Garfield Counties, North of the town of Mosby, Montana.**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-402 MCA are met.

This change proposal includes changing the point of diversion along with a new place of use configuration for four of Applicant's irrigation rights. The changes are proposed to accommodate a 53.0-acre center pivot (Pivot #2). The new point of diversion for pivot operations will be in the SENESW Sec 9, T15N, R30E, Garfield County. The pivot will operate on a flow rate of 1.11 cubic feet per second (CFS). The place of use will change from 118.0 acres of flood irrigation to 53.0 acres of pivot irrigation in the middle of Section 9 T15N R30E, Petroleum County. The place of use for 40C 117402 currently has 23.7 acres of flood irrigation under the proposed pivot that will not change.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

**Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper**

Rocking TS Cattle Co (Change App Nos. 40C 30150783 & 40C 30151067)



Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No Significant Impact.

The source of water associated with this change proposal is the Musselshell River. According to the dewatered streams layer in ArcMap, Montana Fish, Wildlife & Parks designates the Musselshell River as chronically dewatered. The Department will impose a measurement condition to this change application, if granted, to ensure the Applicant does not exceed historical consumptive use. So long as the Applicants adhere to such conditions, no significant impacts to the dewatered condition of the Musselshell River are anticipated from the change.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: **No Significant Impact.**

The DEQ website identifies the stretch of the Musselshell River in which the Applicants' change is located as not fully supporting the uses of Aquatic Life or Primary Contact Recreation. Probable causes are listed as alteration in stream-side or littoral vegetative covers, high E Coli levels, high Iron levels and flow/habitat alterations. There is low likelihood that water quality will be adversely affected as a result of the proposed project. If granted, Applicants' will continue agricultural practices with a more efficient method of conveyance and irrigation.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: **No Significant Impact.**

Groundwater tables associated with the irrigation may drop slightly due to the conversion of flood to pivot application methods, however the proposed change should not have a significant impact on ground water quality or supply. The area will remain in agricultural production of crops and no groundwater developments appear to be in the near vicinity.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: **No Significant Impact.**

It is not anticipated that the proposed change to consolidate diversion points and convert from flood to pivot irrigation will have a significant impact on stream channels, riparian areas, or stream flows. The Applicant is proposing to operate a pivot and reduce the historically diverted flow rate and volume from the Musselshell River. A portion of historical flood diversions will be left instream during the irrigation season and available to other water users. No impacts to the channel, flow modifications, barriers, riparian areas, dams or well construction are anticipated because of this project.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: **No Significant Impact.**

The Montana National Heritage Program website lists eight animal species as Species of Concern within Township 15 North Range 30 East. Common names for these species are the Hoary Bat, Little Brown Myotis, Burrowing Owl, Ferruginous Hawk, Greater Sage-Grouse, Spiny Softshell, Blue Sucker, and the Sauger. There are no plant species of concern in Township 15 North Range 30 East. The October 2021 report on the USDI Fish & Wildlife Service Website shows that Garfield County has four species listed as either candidate, threatened, or endangered for the Endangered Species Act; the Pallid sturgeon, (Endangered), Whooping Crane (Endangered), Piping Plover (Threatened) and the Monarch Butterfly (Candidate). This project is not expected to impact any species listed

above as the project will be located on acreage that has been previously disturbed by past irrigation practices.

A letter from the Montana Sage Grouse Habitat Conservation Program concerning this project says that the change is located in the General Habitat area and is not within two miles of an active sage-grouse lek.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: **No Significant Impact.**

The National Wetlands Inventory website shows some Forested/Shrub Riparian type wetlands adjacent to the Applicant's proposed place of use. Wetlands should not be significantly impacted as a result of this project; much of the place of use has been previously farmed.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: **No Significant Impact.**

This project does not involve a pond. No impacts are anticipated.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: **No Significant Impact.**

No significant impacts to the soil profile are expected, Applicants will continue to use their land for agricultural uses. The proposal includes moving their point of diversion upstream, changing their conveyance method, converting their method of irrigation from flood to sprinkler, and reconfiguring their places of use. The reconfigured acres are generally in areas within or surrounding the historically irrigated footprint. The predominant soil type is the Havre-Glendive Complex with 0 to 2 percent slopes that is generally well drained. The Sodium Adsorption Ratio is very low and should not cause saline seep. It is not projected that soil quality, alteration of soil stability, or moisture content will be negatively impacted by this project.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: **No Significant Impact.**

Construction of a pipeline to the pivot place of use associated with this project will occur. Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities and no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control noxious weeds on their property.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: **No Significant Impact.**

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: **N/A – no proposed water use on State or Federal Lands.**

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: **No Significant Impact.**

No additional impacts are anticipated.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: **No Significant Impact.**

No locally adopted environmental plans or goals have been identified.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: **No Significant Impact.**

The proposed action is consistent with irrigation practices in the area.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: **No Significant Impact.**

No impacts to human health have been identified.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No_**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No known impacts.**

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **Some new acres irrigated.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **Increased Electrical Consumption.**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts : **No secondary impacts have been identified.**

Cumulative Impacts: **No cumulative impacts have been identified.**

3. *Describe any mitigation/stipulation measures:*

No mitigation or stipulation measures have been identified by the Applicant. The Department will require the Applicant adhere to measurement conditions and comply with any distribution efforts on the Musselshell River.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

No action alternative: Deny the application. This alternative would result in no change to the existing water rights for irrigation.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2 Comments and Responses

None Received.

3. Finding:

Yes ___ No **X** Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

Name of person(s) responsible for preparation of EA:

Name: Douglas Mann

Title: Hydrologist – LRO

Date: 1/12/2021